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THE
TRIAL AT LARGE 45
ON AN
ACTION FOR DAMAGES,

BROUGHT

In his Majesty's Court of Exchequer, before the Right Hon.
Lord Chief Baron Yelverton and a Jury of Citizens,
on Saturday the 20th of February, 1796;

BY THE RIGHT HON.

GEORGE FRED. EARL OF WESTMEATH,

AGAINST THE HONORABLE

AUGUSTUS CAVENDISH BRADSHAW,

FOR

A D U L T E R Y

WITH THE

RIGHT HON. MARY ANNE,
Countess of Westmeath;

CONTAINING

The whole of the Evidence, with the Speeches of the learned
Counsel, and the Charge of the venerable Judge.

TO WHICH IS PREFIXED,

AN EPISTLE DEDICATORY TO THE
FASHIONABLE WORLD.

DUBLIN:

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1796.

MAR 2 1909

AN
EPISTLE DEDICATORY
TO THE
FASHIONABLE WORLD.

To the Right Honourable, Right Fashionable, Truly Liberal, and Uncontrollable *Amateurs* of the *Haut Ton*; whether to be found at Tea-Tables, Routes, Drums, Faro-Banks, Private Theatres, Camp-Balls, or Scandal Parties,

The Editor of the following Pages sendeth greeting!

AWARE that your minds are too busily occupied in the important objects of pleasurable enjoyment, to have much leisure for perusing such formal stuff as dedicatory epistles, especially when not penn'd in poetry, and abounding in witty strokes and devilish *good things*, he will use all possible brevity, consistent with the morality of the subject.

Morality!—a morality preface for a trial by *Crim. Con.*!—*Cælum in Terra!*—*Sacre Bleu!*
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Bleu!--Nay, Ladies and Gentlemen, do not be alarmed I beseech you ; I really am not going to *preach* ; and in leading your curiosity to a banquet, it is not my purpose to pall your appetite with *soup-meagre* ; at least if I do, I shall endeavour to season it so, as to prevent it being called maukish.

The present is an age of revolutions, in social manners as well as in governments ; in private life as well as in great states ; and the changes which transitions of this kind make in the world, form great æras, that should not be abruptly passed over without some comment, some introductory preface from the historian.

A period seems to have arrived in this country, when the great system of policy and legislation, so long admired by both courtiers and patriots, seems to have wrought its effects upon the nation, namely, the assimilation of every thing Irish to the British principle—not only our laws and constitution, but our manners, sentiments, fashions, pleasures, luxuries and amusements, are translated into English idiom. There was a period not an hundred years back, when the case was not so, and when, as some formal old Quizzes and Dowagers amongst us, say things were better in this country ; but folks more refined think otherwise—the thing is disputed. Doctors differ—and the case should be fairly stated, that posterity, in adopting our *bright* example, may be edified by our wisdom

wisdom, in forming a new æra in our manners and sentiments.

There certainly was a time, and it is not yet immemorial, when the Ladies of Ireland wore about them a certain tenacious reserve of manners—a certain excessive delicacy of words and sentiments—a certain high pride of strict chastity in person, in deportment, and in speech—a certain degree of vestal mystery, almost towards their husbands, that rendered the Ladies of Ireland famed, or at least remarked through Europe, as proverbs of virtue. It is strongly alledged too, that such was the unaccountable attachment of the Gentlemen of Ireland to this cold and cautious conduct of the women, for whom their very bosoms burnt with love, that any man who would be ruffian enough, (and ruffian he would most certainly be deemed) to drop a phrase or a hint in the hearing of a virtuous woman, that could wound in the slightest degree this boasted delicacy of the mind, or excite a blush on her cheek, would stand a very good chance indeed, of atoning for his offence by the sword of the first relation, friend, or even intimate acquaintance of the Lady or her family, who should chance to come acquainted with the circumstance. The Gentlemen of Ireland were then not less eminent for their *gallant* conduct, than for their courage and politeness. By gallant conduct, I mean that attention to the sex, that polite and manly solicitude for the accommodation, the happiness, and the honour of

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the Ladies, and particularly their wives daughters, and relations ; the want of which, if it does not unpardonably offend a Lady, because she may have too much good humour, at least seldom fails to freeze all affections in her bosom to those, from whom she conceives such attentions due, and perhaps opens a niche for some new votary in her esteem, who, if he considers her worth the conquest, will slip no opportunity of forcing his way to her affections, through the unguarded wickets of her vanity, or her pride.

They do say, that the bare bosom of a virtuous woman, or even a glimpse of her ankle, were things scarcely allowed, even to an husband, much less to a brother, still less to the most ardent and honourable lover, and least of all, to every body who chose to look at them. A profusion of drapery, while it shed a mystic elegance over the charming contour of the female form, at the same time concealed the shape of the limbs, and throwing as it were a sacred ray of chastity round the person, forbade the approach of every glance or idea from the rougher sex, that would have profaned the Temple of Diana.

Now, whether this was a Gothic, or to go still farther back, a Carthaginian prejudice amongst the Irish, I shall not pretend to determine ; certain it is, that it did exist, for we still have traces of it left in remote quarters of the country, and amongst certain old

old-fashioned orders of the people, who have not come in contact with fashionable intercourse. But equally certain it is, that this Gothic, or Celtic, or Carthaginian prejudice, is rapidly declining, and bids very fair in another half century to be as scarce in the country, as our quondam moose-deer, our wolf-dogs or our saints, bards, or any other vestiges of our ancient history.

I remember there was a time too, when the simple, uninformed Ladies, and indeed untravelled men of Ireland, read stories of the gallantries and intrigues of the French, the Spanish, the Italian, the Portuguese, and other Ladies of warmer climes, with a sort of discredit mixed with amazement: that time is changed, and so is the clime. A very learned author, Mr. Falconer, I think, tells us, that manners, constitutions, and genius, depend entirely on climate; and since our bogs were drained, our woods cut down, and the hot sun of British Liberty has darted his beams amongst us, we are another kind of beings; our climate, which formerly produced nothing better than crabs, wild plums, and cold chastity, now brings forth pines, grapes, and gallantry, as luxuriant as the genial temperature of France or Italy can boast.

British *Liberty* is indeed the great Sun of our Constitution, corporeal as well as political, and the Fair Sex, who have but lately come to understand what that *Liberty* is, seem now

now to enjoy it with an eagerness, which almost puts the other sex to the blush.

Some five-and-twenty years ago, when the gallantries of the reign of Charles the II^d. were nearly forgotten in England, and the transcendent virtues of the Royal Pair, who now, and who Heaven grant may long fill the Throne of these kingdoms, re-established the reign of Virtue over the realms of Fashion, the warmth of *British constitution* was repressed for a season; intrigue was banished to the Cyprian circles, not daring to prosecute its schemes in the purlieus of that happy court, where virtue, decorum, and domestic happiness, have always been the order of the day. But a coincidence of circumstances soon concurred to raise fallen *gallantry* from its debasement, once more to shine in the circles of Fashion; so that it would now seem, as if HYMEN and CUPID had waged war against each other in the British hemisphere, and that the heroine subjects of each, were contending for the triumphant *Myrtle*, in the field of *Fruition*.

Foremost in the ranks of *Frailty* to revive intrigue—was the celebrious Miss Chudleigh, afterwards Duchess of Kingston—a Lady who did not (like many of the *coroneted* corps) forget her *principles* in her *exaltation*.—True to the cause, as the needle to its pole, her Fame stands highest on that list of names which emblazon the annals of British gallantry. Her example, like wildfire, spread abroad

abroad its contagion. Lady Grosvenor furnished next the most prominent example of fashionable frailty, brilliant and illustrious (if Rank, Title, Beauty and Fashion can render the wearers so) has been the catalogue of *frail dames* who have since followed captive in the triumph of the all-conquering *God of Amour*.

For a while, the *Marlboroughs*, the *Kingston's*, the *Grosvenors*, the *Orrerys*, the *Percys*, the *Ligoniers*, the *Bunburys*, the *Wolseleys*, and few other names not less eminent in the annals of gallantry, stood forth, bold revolters from conjugal fidelity. *Example* soon kindles *inclination*, where it lay dormant before. The catalogue of frail matrons soon swelled to a volume larger than the court kalendar. Peers, Knights and Commoners, met in Doctors Commons, and butted and gored each other with luxuriant antlers. And the *splendid* examples of **GROSVENOR SQUARE** and **PORTLAND-PLACE**, have since found their way to the purlieus of *Spital-fields*, and *Wapping*.

“ When comets meet and brush their fiery tails”

The neighbouring spheres are in danger. The example of the great, like the light of the sun, sheds its influence upon all inferior objects; and thus we see their fashions, and their *faibles* too, descending to the lowest orders of the people—from the peer to the 'prentice, from the dutchess, to the doll behind the milliner's counter. Taste and Passion go hand in hand, and if the colour of a Contess's ribbon,

ribbon, the cut of her cap, or the fashion of her gown, sets all the females of the country gadding after her ladyship, as sheep follow a bell-wether, it is not very wonderful that the lady's *frailties*, if she happens to have any, should follow her fancy, especially where strong passions plead for the example.

If any thing was wanting in the outset of this revolution to help the business of intrigue, and bring the sexes to a *right understanding* upon a very *ticklish* and *doubtful* affair, that **GREAT LUMINARY** of **GOOD-BREEDING**, that very **NEWTON** of *fashionable manners* and *principles*, **LORD CHESTERFIELD** supplied the defect. This great little man, whose works are the very *Koran* of fashionable faith, like another **MAHOMET**, taught his male followers to believe that *gallantry* and *intrigue* are the very *first principles* and *fine qua non* by which only a young man can rise at court, or be successful in the great world. This he taught his favourite son, and by it he has gained more proselytes than *John Wesley*.

Next to the doctrines laid down by Lord Chesterfield, perhaps no cause has contributed more to the extension of *gallantry* in England, than what are called *Private Theatricals*. These have done more to the ruin of fortunes, characters, and domestic comfort, than perhaps any other causes of modern frailty.

As matters are now understood between the sexes, what is the *natural consequence* of

of exposing to temptation a thousand beautiful women, nurtured in the lap of luxury, warm in high blood and high living, accomplished in all the refinements of pleasure, and of vanity, with every sense stimulated to enjoyment, every nerve attuned to delight, every feeling screwed up to extacy; and vibrating to every sound and breeze of pleasure; women, whose religion is dress, amusement and admiration; who, though deeply read in *Hoyle*, and all the combustible lore of taudry french novels, and the modern furniture of the circulating libraries, have perhaps scarcely ever looked into the bible, listened to a sermon, or learnt their catechism.—who, if married, have never been consulted as to the object of their affections, nor ever felt the intercourse of conjugal attachment through any other medium than the agency of an avaricious parent, or family-proctor—and a marriage article.

What is the situation of so many charming women thus circumstanced;—exposed to the stratagems of the most consummate adepts in modern gallantry—who study women as they do a science, and seek with indefatigable perseverance the unguarded moment—when **HONOR**, the faithful centinel of Virtue, is lulled to sleep—when all the fell means which ingenuity can invent or wealth purchase, are called into action for the purposes of ruin; when flattery, assiduity, attention, eloquence, polite address, and all the persuasive fascinations the seducer can assume,

accompanied by the melting strains of soft and thrilling music, the *allegro* movements of the sprightly dance, the delicious luxuries of the costly board, the carefless whispers of the warm, impassioned lover, all conspire to lull suspicion, and rouse the treacherous governor, PASSION, to betray the citadel. And this too at a time, when perhaps the careless husband insensible to the treasure he possesses, flies, like a fated epicure, the rich banquet of her charms, and either obeys the impulse of depraved appetites, in illicit and degrading amours, or squanders his time over the bottle, or his fortune at the gaming house.

The best answer to these questions will be found in the pleadings of Westminster-Hall, and the records Doctors Commons, where scarcely a term has elapsed for years, without three or four actions for *crim. con.* brought in the one, to found suits for *divorce* in the other.

The prevalence of example, keeps vice in countenance. The crime at which perhaps the honour of the *spinster* would be alarmed, loses its terrors to the *dissipated wife*: the frightful name of *adultery*, is softened down to the lighter epithet of mere *faux-pas* or *agatelle*; frequency obviates surprise, the thing is but a nine days wonder, and the philosophic *cornuto*, convinced of the folly of fretting, consoles himself in reflecting that he is no worse than many of his neighbours, consigns his feelings to his proctor, and seeks comfort

comfort in damages, divorce, burgundy, and the dice box.

A London Newspaper of the very last Packet, dated Feb. 26, states an account of the second reading of a bill before the House of Lords, to dissolve the marriage of Mr. LAUNCELOT SHADWELL, from his Wife ELIZABETH SOPHIA, whom he married in 1776, by whom he had *twelve Children*, ten of whom are living, and from whom he is now to be divorced, for her adultery with one Peter Ruelle, a French Emigrant, in November last.

So much for another country—whose manners and sentiments are held up for our model!

'Tis now time to bring home the allusion, We have imported the manners, the luxuries, the stile of equipage, the furniture, the costly banquets, the gambling, and the private theatricals; but 'tis hoped, not yet the GALLANTRIES, of the sister capital: The men of Ireland, 'tis true, have never yielded the laurel on this ground to the men of any country—they have worn it in all, and, like provident soldiers, have usually *quartered on the enemy*.

But is there a heart amongst us depraved enough, to wish the honor of Irish women humbled at the foot of the despoiler? Heaven forbid! that manly spirit is not yet entoiled in the silken trammels of Fashion, which, while it warms our hearts in the admiration

miration of female virtue, nerves our arms to defend and protect it. If any man doubts his own fortitude on this head; if he is a father, an husband, or a brother to Beauty, his own bosom will rectify his judgment; and banished for ever from friendship and hospitality, be the despoiler who would violate the female honor of his country!

Let us pause then for a moment, lest twirled in the giddy mazes of modern fashion, dissipation and infidelity, we be drawn too far into the vortex, and engulfed in the whirlpool.

A *splendid victim* or *two* may have fallen through incaution—a *bright star* or *two* may have dropt from that galaxy, to which we look as the pride and ornament of our hemisphere; let us view their fate with pity, whilst we deprecate the cause, and seek by strenuous efforts to stem the progress of example. Errors have crept into the fashionable system, which if not extracted ere too late, will prove seeds of destruction.

Any comment from the Editor upon the following Trial, would be as cruel as it would be impertinent. The speeches of the learned Council, and charge of the learned Judge, have saved all necessity on that head, and marked the sources from which similar evils spring; and there is too much reason to fear that in those circles, where dissipation and pleasure are the only lessons taught, from the nursery to the nuptial bed—
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the duties of the wife and mother are consigned to domestics—where Misses, green from the boarding-school are taught to ridicule the lessons of prudence and economy, and ushered into all the rounds of gaiety and extravagance—and where meretricious dress, manners and conversation, form the fashionable rage of the *haut ton*—**STRICT** and **PERMANENT VIRTUE** will not be the **RULING PASSION**.

too far from home and left to return after
nearly 4000 miles - a week or more
- but otherwise are working hard and
happily and I return to school and
beginning the third year of my course
with a desire to know all the more
and to do the more.

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Court of Exchequer,

SATURDAY, 20th February, 1796.

T R I A L, &c.

THE RIGHT HON.

LORD CHIEF BARON YELVERTON,

Presided on this Trial.

THE jury, which was not special, but composed of reputable Citizens of Dublin, being impannelled, and sworn,

Junior Council having opened the pleadings, by shortly stating the nature and object of the action—that it was instituted by the **RIGHT HONOURABLE GEO. FR. NUGENT, EARL OF WESTMEATH**, to recover damages from the **HON. AUGUSTUS CAVENDISH BRADSHAW**, for criminal conversation with the **RIGHT HON. MARY-ANNE, COUNTESS OF WESTMEATH**.

Mr. Solicitor General then proceeded to state the case to the court and jury. He said, that he felt with

peculiar reluctance the duty which fell to his lot this day, but the task, however painful, was such as his duty to his client indispensably bound him to perform. In common with every friend to morality and conjugal happiness, he felt for the depravity and incontinence he should have occasion this day to lay before a respectable and conscientious jury, who would he was convinced estimate from their own feelings the irreparable injury sustained by the noble EARL, who came this day to claim from the laws and the justice of his country some reparation in damages, for the wound inflicted on his honour, his domestic happiness, and the comforts of his bosom, which no damages, however great, could heal. The case was of itself so strong, and so very atrocious, as to render little comment indeed necessary beyond the facts which he was instructed would be substantiated in evidence.

The crime was of a nature as injurious to society as to the individual, and peculiarly so, as it was perpetrated in that rank of life which, while it aggravated the guilt, was most likely to render the example pernicious. In stating this case, it would be incumbent upon him to keep, indeed, very much within the limits of his instructions, and instead of going to the extent which he might in explaining all the circumstances attendant on this shameful business, he should confine himself to those bounds which

which decorum and respect to the court and so respectable a jury necessarily prescribed.

The noble EARL in this case, was several years ago married to his COUNTESS—a young lady of most respectable family and connexions—polished education, high accomplishments, and great beauty of person. The match on the part of the noble EARL was purely the result of love to the lady, and by no means founded on any considerations which could arise from her fortune, and the lady accepted his lordship's hand as well from motives of reciprocal affection as from the considerations of rank, honour, and the respect which she was likely to enjoy in an alliance with a nobleman of his LORDSHIP's high rank, splendid fortune, and illustrious connexions. It could not indeed be supposed the lady or her friends could have any possible objection to a match at once so eligible and advantageous. The slightest pretence of this sort never appeared or existed, and therefore the compulsion of parental authority in urging a young lady into a match violatory to her affections, or her delicacy, with a man of disagreeable person, or advanced years, so frequently pleaded in extenuation for similar infidelities—could not be applied in this.

The noble EARL and his lady lived together several years—apparently in the happiest intercourse

of reciprocal affection and domestic felicity, surrounded by all the blandishments which high rank, ample fortune, and fashionable splendour, could confer. The lady bore his lordship several beautiful children.

His lordship, under all the tortures to which his feelings have been exposed on this occasion, impressed by the fondest affections of a parent to his offspring, the tender pledges of a once happy union with the woman he loved, had great unwillingness to bring forward this matter ; but prompted by a sense of injury to the honour of his family, to the happiness of a husband and a father, he surmounted all obstacles of private reluctance, and resolved to appeal to the laws of his country for redress.

LADY WESTMEATH was very young, and a lady of great vivacity and engaging manners, and from her situation in life, had very great intercourse with all the young people of fashion and gaiety, an intercourse, which if not perverted to vicious purposes, might have been highly honourable to herself in the display of those accomplishments, and transcendent virtues which should ever shed a lustre round the character of the female sex in her ladyship's exalted sphere, but to which, unfortunately, this lady seemed wholly insensible.

In the course of this fashionable round of connexions, her ladyship became acquainted with the HON. AUGUSTUS CAVENDISH BRADSHAW: honourable, he must say, only on account of his rank, for his conduct in this respect seemed the very reverse of what that titular epithet should import. Mr. BRADSHAW, though the younger son of a most respectable family, possesses a very ample fortune of his own, which added to the peculiar advantages of his person, might have entitled him to admiration amongst the other sex, and high respectability and esteem amongst his own, had they not been perverted. This gentleman was admitted on a footing of intimacy and friendly intercourse with the family of the noble EARL, he was on terms of the most intimate familiarity with LORD WESTMEATH, and a frequent guest at his table—but how far he had regard to the sacred laws of friendship and hospitality, would best appear from the sequel.

The avocations of Lord Westmeath called his Lordship to another kingdom, whither he was accompanied by his lady. The intimacy of Mr. BRADSHAW with the family still continued, and at length it was whispered about, that attentions of a very indiscreet kind had been observed from Mr. Bradshaw to Lady Westmeath.

Unfortunately in cases of this kind, the whispers
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of scandal generally come last to the ear of the person most interested, for the husband is generally the last man acquainted with the wife's dishonour, and so it was with lord Westmeath. Loving his lady as he tenderly did—alive to all the feelings of honour, on her account as well as his own—and stung to the soul at the confident and as since appears but too well justified reports of her infidelity, his bosom was convulsed in the conflict between love for the woman, and regard for the honour of his children and family.

About this time the militia law being established in this country, Lord WESTMEATH on account of his rank and influence in this kingdom, and especially in that part of the country where he resided, was appointed by the Lord Lieutenant to a very high command in the militia corps, and was necessarily called home to take the command of his regiment. His lady was left in London at his lordship's house. Notwithstanding the confident rumours which were in circulation as to an improper and indeed criminal intercourse which subsisted between her ladyship and the defendant in this case. His lordship was still unwilling to think those rumours untrue. About this time an anonymous letter was intercepted, containing such palpable grounds of suspicion as reduced his lordship to the painful task of examining his wife's criminality.

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At first a woman may conceal her disposition to a lascivious and wanton turn, especially in such a place as London, even from the most observant eye, and certainly any man of the rank and fortune of Mr. Bradshaw who fixed his desires upon a lady of great levity, had so many opportunities of taking apartments in different places as might enable him and his paramour to conceal their criminal intercourse a considerable time. Female servants who are most about the person and apartments of a lady, and who are prone to make the most acute remarks on what they see, are best capacitated to bring home conviction in cases of this sort ; witnesses of this kind would be produced ; who being also witnesses of the conduct of the plaintiff towards his lady, would be material evidence of the fact for the decision of the jury.

Mr. Bradshaw from being well acquainted with the labyrinths of the town, and all its scenes of pleasure and fashionable dissipation, possessing an ample fortune, and being a gentleman of strong personal attractions, and well knowing the weaknesses of the sex, had certainly very great opportunities of exerting his assiduities towards a lady in whose family he was on so intimate a footing, so as to make very great impressions upon her prudence and chastity ; such had unfortunately been his success with Lady Westmeath. It would appear in evidence

dence that so absorbed was the lady in this criminal passion—so lost to all sense of her own honour and rank, and to the decorum of her sex, as to shew no solicitude for concealing her shame and dishonour, even from her own servants. It would appear that she constantly and most unguardedly received the visits of Mr. Bradshaw alone in her dressing room ; that she entertained him tete-a-tete at dinners and suppers ; that they staid together till most unseasonable hours of the night ; that whenever he came there, no other visitor was received, and that the servants had directions to deny her ladyship to all others ; that on those occasions she was always habited in loose attire, and wore every mark of abandoned lasciviousness.

Lord Westmeath, upon mature enquiry, had the mortification to find that this infamous business had gone on much longer than was at first imagined, and that his abandoned lady had acted towards Mr. Bradshaw rather in the character of a prostitute to her keeper, than as Lady Westmeath ; that, lost in a libidinous connexion, to all sense of honour, or even female modesty, she had exposed her intrigues to the observation not only of her women servants, but even to that of her coachman who drove her with her paramour, and who was actually a witness of her adultery in that very carriage which was purchased by her injured lord for her comfort and the support of

of her rank and dignity, and which she thus polluted to the criminal purposes of her own prostitution. It would appear in evidence, that when she had been driven from her own door in this carriage, under a pretence of going to visit her friends, that instead of going to those friends, she has ordered her coachman to drive with the blinds up, to a remote part of the country, with Mr. Bradshaw, whom she took into her carriage on the way. These facts with a number of others more scandalous if possible, would come out in evidence, and to that evidence he would rather refer the gentlemen of the jury than by anticipating the detail—seem to aggravate a case which of itself was but too strong, and which he was confident must have that weight with respectable men bound upon their oaths to give an impartial verdict, and such an one, as while it made *some* reparation to the wounded feelings of his noble client, (for no sum of damages however great would make adequate atonement) would at the same time hold out an example for the deterrence of similar crimes—and make *some* satisfaction to the violated laws of society.

He had heard it whispered since he came into court, that this action was not a serious one, and that it was not the object of his noble client to amerse the defendant in very considerable damages; but this insinuation he declared was utterly false and

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unfounded. Would it be believed that the noble earl who sued in this case, was so insensible to his own honour, or to the solemnity of a court of high judicature as to play with a subject of this sort, or to bring forward a trial so materially interesting to the honour of his family, himself, and his children, as a mere matter of form ? Would it be believed that any man of profession, who held any regard for his own character or interest, would come forward, as privy to such a pretended trial, and conspire to impose on a court and jury ? The thing was too absurd and ridiculous to be believed for a moment. The noble Lord had too great a regard for the dignity of his own rank, to harbour so mean an intention. The damages in this case were laid only at twenty thousand pounds, a sum, which, considering the rank of the parties, the irreparable injury sustained by his client on whose domestic happiness an incurable wound was inflicted, and the affluent fortune of the defendant, was by no means adequate to the offence. But to the feelings of the Jury, upon the justice of the case he would submit the evidence, not doubting that their candour and impartiality would vindicate the confidence which the constitution and their country this day reposed, in the important duty committed to them.

In the detail of the evidence, we have here avoided the tedious statement of interrogatories—but given the words of the

the witnesses, as they came out in answer to the questions of Council.

The Rev. GEORGE LAMBERT sworn and examined by Mr. Smith, says, “ he knows the Earl and Countess of Westmeath, for he married them by special licence, and has had frequent opportunities of knowing on what terms they lived since their marriage, from having been much in the habit of visiting the family for six years.—They lived apparently on terms of the utmost harmony. The prerogative licence was dated the 26th April, 1784, and he married them next day, he can venture to say with the greatest safety, from his intimacy with Lord and Lady Westmeath, that they lived in the greatest harmony and comfort for six years. He rather thinks it was more than six years, while he was in the habit of visiting the family. He never had any opportunity of seeing Lord Westmeath treat his Lady with the slightest degree of indifference, but always with the very reverse. The fortune of Lady Westmeath was not such, in his mind, as to form any cause of attachment for Lord Westmeath, in the match, Pure love and affection, were, in his opinion, his Lordship’s only motives, and in this opinion he is founded upon the frequent declarations of Lord Westmeath to him.”

Here

Here closed the direct examination of Mr. Lambert.

He was cross-examined by Counsellor Curran.

And said Lord Westmeath and his Lady were married about twelve years. He would not be understood to insinuate that in saying they lived happily and cordially together for six years, he meant to make any distinction between the former six years and the latter. He never saw any difference—but his opportunities of visiting Lord Westmeath's family were not so frequent in the latter six years, as he resided principally in the country. He declares he never knew of any altercation between Lord and Lady Westmeath on the subject of infidelity. He can't take upon him to swear for Lord Westmeath, that he had no suspicions upon the subject, or that he had no altercations upon it with his Lady. He could only swear for himself that he never knew of their having such an altercation.

Being asked by virtue of his oath, if Lord and Lady Westmeath did not live separate after the reports of infidelity had gained ground? He said he believes that Lady Westmeath lived in London, and Lord Westmeath in Ireland. He supposes this separate residence, after the report, lasted for six or eight months, but he knew of no cause of separation except

cept the business of the Militia. He admits Lord Westmeath was a man of a gay—social and convivial turn, and a good deal in the society of gentlemen. He believes his lady was fond also of—Gay Company, and what is called the high fashionable circles, which are considered companies of rank in this kingdom. He did not hear that any of those ladies were Methodists—nor that there were any Swadlers among them—He can't say whether the objects of Lord Westmeath, and Lady Westmeath were very different things. He can't answer for what happened in London—but supposes Lord Westmeath did keep a house in London—He does not know what might have happened with respect to Lady Westmeath's—Private affairs—thank God he knows nothing of that sort.

Q. Now Mr. Lambert do you take upon you to swear that seriously? (a loud laugh in court.)

A. I mean as to connexions of a criminal kind.

He says Lady Westmeath has two children—they are both boys—but no female child—He can't tell what property Lord Westmeath had, but always understood it was a very large one.

MARY CUTTLE sworn and examined by Counsellor Saurin.—Says she knows the Earl of Westmeath,

meath, and the Hon. Augustus Cavendish Bradshaw—she knows also the Countess of Westmeath—she came acquainted with the family in August, 1794—she went into their service as house-maid at their house, in Baker-street, Portman-Square, London. When she went first into the service, Lord Westmeath was in London, and his lordship and his lady living together—She recollects Lord Westmeath continued there until the month of May following—Witness was only once in the service.—She recollects Mr. Bradshaw at the house of Lord and Lady Westmeath—She saw him after this in Lord Westmeath's absence—She recollects he usually came there in the morning—at other times he came there to dinner. On his coming in the morning he always used to see Lady Westmeath—She never knew any instance of her being denied to him—he used always to come alone—and her ladyship received him when she was alone—She used generally to receive him in the drawing-room, and often in her dressing-room.—When he dined, there he used to stay 'till past twelve at night, and no other company there.—His usual stay in the morning was an hour—sometimes shorter—sometimes he came to breakfast.

Q. (by the Court.) Was any other company received by Lady Westmeath at these times ?

A. No.

Q. Did

Q. Did you hear of any instruction given as to other company?

A. No.

She remembers there was a couch in the drawing-room—and a sopha in the dressing-room.—She has frequently seen—after Mr. Bradshaw has left the room—appearances of the sopha being in much disorder, with marks of hair-powder, and dirt of shoes upon it, as if some person had been lying on it—She has frequently observed those appearances on the sopha after Mr. Bradshaw left the room, when, before he came there, the sopha was clean and in order—and it appeared thus disordered at his going away—She has often seen both the couch in the drawing-room and the sopha in the dressing-room in this way.—No other gentleman used to visit Lady Westmeath. Witness was at first house-maid in the family, and afterwards became childrens-maid. She never remembers any instance of being called to her lady with the child while Mr. Bradshaw was there—nor having had any directions on the subject.—She recollects frequent instances of Lady Westmeath's having slept from home—She does not know where her ladyship slept on those occasions.—Her ladyship usually came home about the middle of the following day.—She never remembers any instance of her ladyship having been attended by any of her own servants on those occasions, but once by a footman named

med Robert, who now lives with her ladyship in London—Witness does not know that this Robert has any wife in the family. Witness does not know whether Mr. Bradshaw was in London on those days or not. She does not recollect to have seen Mr. Bradshaw on any of those days. Her ladyship generally took her night clothes with her, and said she was going to the country. Lady Mazarene once came home with her ladyship, on the following day, and but once.

Witness remembers her going to Tunbridge-Wells, with her ladyship and Mr. BRADSHAW. While there, Mr. BRADSHAW often dined with her ladyship, and staid as long as he used to do at her house, in Baker-street, London. LADY WESTMEATH changed her lodgings three different times while at Tunbridge-Wells, and on those occasions she went to the new lodgings, a night before the servants came there, and they usually followed her the next day. She remembers they have such useful and convenient articles of furniture as couches and sofas at Tunbridge-Wells, as well as at London, but does not recollect going into her lady's room after Mr. BRADSHAW went away, as it was not her business. Her ladyship and Mr. BRADSHAW were almost daily together at Tunbridge.

The witness knows a man named Crawford, Husband to LADY WESTMEATH's waiting-woman, and
she

She remembers when in Baker-Street, going up stairs one night, she saw a candle alight in the hall, and was going to put it out, but was prevented by one of the footmen, who locked the hall door and left the candle burning. Shortly afterwards, Mr. BRADSHAW rapped at the door, and was let in by the footman, and went up stairs softly to LADY WESTMEATH's dressing room, then the footman locked the hall door and put out the candle. The footman's name is James Doyle; he was brother to her ladyship's own maid. She remembers after her returning from Tunbridge to Baker-Street, LADY WESTMEATH's going to the play, but does not recollect her sleeping out.

Here ended the direct examination of this witness.

Cross-Examined by Connfessor McCartney.

Witness says LORD WESTMEATH lived with his lady in London, and witness never lived as Housemaid in any other family, she has lived servant in other families, and has seen sofas there, they are a useful kind of furniture, and no drawing room in genteel houses is without them—but she never saw a sofa in any lady's dressing-room, save that of LADY WESTMEATH. The lady's maid wore powder, and the footmen wore powder—but it was always after lady WESTMEATH and Mr. BRADSHAW being in the dressing-room, or drawing room that

D

she

she saw the marks of powder and dirt on the couch and sopha—and those marks could be made there by no body else—she could not say they lay on the sopha, because she did not actually see them. She was in the house when Lord Westmeath lived in London, and gentlemen and ladies both visited there—but she saw very few company visit the house—Lady Mazarene and the Countess du Paye used to come there—Mr. Bradshaw's visits were very frequent, but she never saw him there while Lord Westmeath was there—she never did hear any directions given to the servants not to admit any other person but Mr. Bradshaw,

MARY DUNN sworn, and examined by Counsellor Ball, says, she lived near four years in the service of lady Westmeath as nurse—she went to her ladyship on the 4th of November, but can't remember the date of the year—it was three years last November—it was previous to lady Westmeath's going to England, Witness did not go with her ladyship to England—but followed her ladyship in the September of the year following, and took the child there. Lady Westmeath then lived in her mother's house in St. James-Place. Lord Westmeath was in London, and went away to Ireland. Mr. Bradshaw used to come to St. James Place frequently—and used to dine there when no other lady was in the house, nor any person but the servants, They

They always dined together and alone—he sometimes staid supper, and sometimes not—he was usually received in the drawing room—it was furnished in the usual way. She has heard that the couch was at times disorderly when they were, but did not see it. Lady Westmeath desired the witness never to bring up the child when Mr. Bradshaw was there, unless called for—and when she wished to have the child, she usually sent a favourite servant, who was more in confidence, for it, and would not have the nurse called into the room. Witness has known lady Westmeath to sleep out several nights. She one night took one of her servants out with her, but never came home attended by any of the servants; and usually walked home.

The direct examination of this witness ended here, and the defendant's council went into no cross examination.

ELIZABETH LEEKES sworn and examined by Counsellor Plunket, says she knows lord and lady Westmeath, and lived in their service, in their house, at Baker-Street, Portman-Square, London, seven months, as her ladyship's own woman. Has frequently seen Mr. Bradshaw there—she recollects lady Westmeath having slept several times from her own house while lord Westmeath was absent. Mr. Bradshaw was in London at the time.—Her lady-

ship usually went from home in his company on those evenings when she slept from home—sometimes on foot—sometimes in his *Gigg* or *Curricke*—she always called for her night clothes upon those occasions, and took them with her in the Curricke with Mr. Bradshaw.—She usually came home the next day about twelve—sometimes alone, and sometimes a lady with her. The witness has observed something particular in her ladyship's appearance on those days when Mr. Bradshaw came there—she usually wore * *a loose dress*—she never saw any thing else very particular in her ladyship's appearance at those times, except when Mr. Bradshaw had been there for some time—a confused appearance, and her dress all *rumpled*. Her ladyship used to receive him in the drawing room—on those occasions—when Mr. Bradshaw went away, the witness used to observe the *couch* all *powdered* and *touzled*. Witness was with her ladyship at Tunbridge-Wells, and saw Mr. Bradshaw there. He used to dine with her ladyship, and sometimes stay till two o'clock in the morning. The witness once saw Mr. Bradshaw take some very extraordinary liberties with her ladyship—she saw him thrust his hand into her ladyship's

* The present, fashionable, bodyless gown, which is the rage with all the fashion-aping females of the day. It had its origin in the higher *Cyprian* circles—and is admitted to be the most convenient garb ever invented for the ready accommodation of votaries to the *Cytherean Goddess*.—*Tout jour pret.*

ships BOSOM, and keep it there a considerable time. Lady Westmeath was in her *sitting room*, and the witness in the next room, with the door open—her ladyship shewed no kind of resentment.

The witness remembers—that while she lived in her ladyship's service, lord Westmeath was for some time in London. His lordship was at one time ill, confined to his bed, and during that illness—her ladyship went one night to a masquerade unknown to his lordship. Her ladyship was on that night to have gone to a private party of which his lordship knew, and accordingly dressed for that party, and took leave of his lordship when going out—but privately sent her masquerade dress to the house of a *Miss Brace*, an eminent milliner and dress maker in St. James's-Street—when her ladyship was dressed and masked a single gentleman called for her there in his carriage.—She does not swear whose the carriage was—nor who the gentleman in the carriage was—because he was masked, but it appeared to her from the liveries and appearance all together, to be Mr. Bradshaw's.

Miss Brace very strongly objected to her ladyship's going into the carriage with the gentleman from her door—and a chair was called, in which her ladyship went from *Miss Brace's*—but the witness

ness afterwards saw the chair stop, and the carriage also—and her ladyship go out of the chair into the carriage with the gentleman. Her ladyship staid at the masquerade till four in the morning, when she came home in a coach—did not rap at the hall door, but came down the area stairs, and undressed herself in the witness's sitting room—her ladyship then put on the dress in which she had gone out—and which the witness by her ladyship's directions brought from Miss Brace's. This room was not her ladyship's usual place of dressing, or undressing. Her ladyship then went up to his lordship's room, and went to bed. Lord Westmeath was never told of this—it was at this time a secret transaction. Her ladyship's putting on the first dress, and afterwards changing her masquerade dress for it—was to prevent his lordship from discovering she was to be at a masquerade.

The witness, after lord Westmeath went to Ireland, has often known lady Westmeath to be denied to all other visitants but Mr. Bradshaw, by her own directions. She knows Crawford, and his wife who was her ladyship's woman. She says, lord Westmeath always conducted himself to his lady as a tender and affectionate husband.

Here ended the direct examination of this witness.

Cross

Cross examined by Counsellor Wynne.

She says, lord and lady Westmeath usually slept up two pair of stairs.—After she had lived there a short time, lord Westmeath came over to Ireland ; the witness does not know why. She knows several ladies who visited lady Westmeath while in London—but can't remember all their names—amongst the number were lady Elizabeth Luttrell—Madame de Conyer, the duchess Du Paye.—Upon her oath she never knew her lady to keep company with any ladies or women of known bad character. Lord and lady Westmeath did not sleep together—in the same bed—but on two small beds in the same room, quite close to each other. She can swear positively lord Westmeath did not know any thing of lady Westmeath's going to the masquerade—though they lay that night, from the time her ladyship came home, in the same room. His lordship knew she went to a party, and saw her go out dressed for that party, but her ladyship desired the witness to meet her at Miss Brace's with her masquerade dress—where she took off the dress in which his lordship saw her—and dressed for the masquerade, and when she came home, she dressed herself again in the same clothes—his lordship saw on her before she went out, and went up stairs to bed.

JOHN DUGGAN, sworn and examined by the
Solicitor General—said he knows lord and lady
Westmeath,

Westmeath, and was in their service as coachman, about three years. He knows the Hon. Augustus Cavendish Bradshaw. He remembers driving lady Westmeath about the outlets of Dublin—and sometimes he met Mr. Bradshaw, who was taken into the coach to her ladyship. He usually met him on the Circular Road on horseback—and he gave his horse to his servant, and went into the coach—they usually put the blinds of the coach at the side doors up—and the silk curtains in front half way down. He remembers one day in particular driving the coach on the North Road, beyond Drumcondra Turnpike—when lady Westmeath and Mr. Bradshaw were in it—and the footman behind the coach making signs to him not to drive so fast, or so far—he turned about to speak to the footman—and in turning he saw through the window—her ladyship's naked th— her body seemed to be rested on the hinder seat of the coach, and her legs on the forward seat. He could not see Mr. Bradshaw at this time, the silk curtain was half way down the glass. There were several persons passing and repassing at the time, both on foot and horseback—and he could have no doubt whatever of the business they were about in the carriage.

Here his direct examination ended.

Q. Where

Cross examined by Counsellor Curran.

Q. Where did this happen you say ?

A. It was upon the north road, beyond Drumcondra Turnpike.

Q. There were two windows you say, one on each side of the carriage ?

A. Yes, sir.

Q. And several persons passing and re-passing ?

A. There was, sir.

Q. Were the side windows open ?

A. No. The blinds were up, as I said before.

Q. Then the window next you was not entirely closed ?

A. The silk curtain was hanging half way down. I could see through the lower part of the glass.

Q. I suppose the window was left so, for the benefit of the prospect, and your accommodation.—Pray, did not you hear a bell ring, to give notice that the show was just going to begin—eh ?

A. No, in troth, sir, I did not.

Q. Are you sure they were lady Westmeath's—s you saw ? Had you any particular *mark* ?

A. To be sure I am ; the Devil a mark I had.

Q. Do you think now you should know them again if you met them in the street ?

A. Upon my soul, sir, I don't know whether I would or not—if I saw them mixed among others.

Q. So the footman was standing behind the carriage

riage, and you were sitting on your box before the carriage, and though your back was to him, you saw him making signs to you. Was not that the way ?

A. No, sir. He was throwing some small pebbles at me, and I then turned about to know what he wanted, and saw what was doing in the carriage.

Q. Then I suppose when you and the footman went out with the carriage, he carried pebbles in his pocket, to make signals to you ?

A. No, sir, I don't think he did.

Q. Then I should be glad to know how he came to pick up those pebbles as he was up behind the carriage ?

A. The day was cold, sir, and he went down to walk and warm himself, and I suppose he picked up the pebbles upon the road then.

Q. And you take upon you to swear all this.—pray did you see Mr. Bradshaw all this time ?

A. No, sir, I could not see him.

Q. Then he was not throwing *pebbles* to make signals for you to see what was going forward ?

A. 'Pon my soul, sir, I don't know what pebbles he was throwing. I could not see him at the time.

Q. What time of day do you say it was ?

A. It was *betwix* (between) twelve and one o'clock.

Q. Do you recollect the day of the month ?

A. No

A. No in troth, sir ; I can't say I do. It was one of the days when we used to take those *towers*, (tours).

Q. And you had only one footman to assist you in taking those *towers*—pray where were the *towers* situated ?

A. We used some times to take the North road, and sometimes the Circular road.

Q. This is the first time I knew that a *road* was a *tower*. And so, fellow, this is all you know of the matter ?

A. Yes, sir.

Go down.

WALTER KENNEDY sworn, and examined by Mr. Solicitor General ;—says he lived in the service of lord Westmeath, as coachman, several years ; that he has several times seen Mr. Bradshaw during the time—and saw him go into lady Westmeath's carriage when the witness had been driving her ladyship out alone to take the air. Mr. Bradshaw did not go in the coach from his master's door, but met the coach at the out-lets, on horseback, and giving his horse to his servant, went into the coach. This frequently happened—and he remembers once having seen something very particular to have occurred in consequence of one of those meetings. It was one evening between day and dark, as he was driving the carriage on the

Here ended the direct evidence of this witness.

Cross examined by Counsellor McCartney.

The witness says, he saw this scene from the coach-box, through the front glasses—he could not see lady Westmeath's face. He never knew of any falling out between lord and lady Westmeath, This transaction happened in the year 1792. He knew several ladies who visited lady Westmeath, but cannot particularly recollect their names.—*Lady Cahir*, lie's sister, was one.—He never knew of lady Westmeath's associating with any lady of bad character, to his knowledge.

* Though the parties did not think proper to drop the curtain upon this catastrophe—decency requires that in detailing the evidence, the silent but significant text of *Tristam Shandy*, should supply the place of words, equally unfit, with the scene itself, to meet the public eye.

Here the evidence closed on behalf of the noble plaintiff.

The defendant's council called no witness.

Counsellor Curran, on behalf of the Hon. Mr. Bradshaw, his client, addressed the jury, with his usual and brilliant ability, in a speech of considerable length and ingenuity, through which we shall only attempt to follow him in his principal points, for indeed it was scarcely possible, in the bustle and pressure of an extremely crowded court, to follow the rapid and argumentative eloquence of that able orator, with strictly accurate notes.

He said, that he was taught to expect from the strong and pathetic picture drawn by the learned solicitor general, in stating this case to the jury, that some proofs would be adduced to establish what seemed so material, to the founding of any claim for damages in this case against his client. He was taught by that statement, to expect, that a body of evidence would be brought forward, to prove to the jury that his client had been guilty of an enormous breach of friendship, of honour, of hospitality, towards the family of the noble Earl, who was the plaintiff in this case. He was taught to expect, that strong and irrefragable proofs would be adduced, to shew that much of intimacy and confidence

confidence had existed between his client and the noble Earl, and that much of both had been violated and betrayed. He was taught to expect it would be shewn, that the noble Earl was a man, whose sole happiness lay in the fidelity of his wife, and that by the loss of that, through the consummate artifices of an arch seducer, in his client, the happiness of the noble Lord was irreparably lost for ever. He was taught to expect, some proof beyond doubt, that his client had made a base use of an intimacy with the noble Earl, to practise upon the innocent, inexperienced and unwary mind of his lady, and to avail himself of the corruption of her morality and honour, in some unguarded moment, by triumphing over her chastity, the inestimable jewel of her rank and sex. He did expect, and so he presumed must the gentlemen of the jury expect, that proof would be adduced to shew, that his client was a man hackneyed in the trade of seduction, and hardened in the depravity of experienced years; and that lady Westmeath, was an innocent, virtuous, inexperienced, unsuspecting girl, in her teens, ignorant of the world, and unguarded against the snares, which a wicked, hardened and experienced seducer might cast in her way. But did any such point whatever appear in the evidence brought forward this day? No such thing. No acquaintance amounting to what would be called intimacy, much less, *confidential friendship* had been proved

proved to have existed between his client and the noble Lord ; no arts or stratagems of seduction appeared to have been practised on the part of his client towards the lady : and unless those points, upon which the whole stress of the claim of damages seemed to be rested, were fully and substantially proved, he trusted, that a jury of twelve rational and respectable men, would not suffer themselves to be cajoled, upon the mere representations of council, unsupported by evidence ; would not suffer themselves to be *swaddled* into a verdict of damages unfounded upon any *just* claim, even supposing the facts in evidence to be all true.

The jury would take into their consideration, that, suppose the whole of the charges adduced this day against his client, were false, how was it possible for Mr. Bradshaw to contradict the evidence, however innocent he may be of the facts. The charges were made against him by the servants who were in lord Westmeath's employment and about his lady's person ; they might be actuated by motives of malice or the hope of a reward ; they might have abused the mind of lord Westmeath himself ; and how was Mr. Bradshaw under such general charges, without any date specified, to be able to bring his recollection to proofs in his defence, more especially from those scenes in England, where the very privacy sworn to by the witnesses, baffles any possibility

of

of evidence on the part of his client, to disprove their charges.

The sum of damages in such a case as the present, could only be ascertained by the indubitable proof of the facts charged, and the degree of the guilt attendant on those facts. The jury would, therefore, weigh well the circumstances of the evidence, and the kind of witnesses who gave it, before they would suffer themselves to be cajoled, or swaddled into a verdict, which would be the very reverse of that justice which, in the present case, they were sworn to render impartially between party and party ; he did not wish to treat with jesting levity a subject of so serious a nature as the present ; but really the charge of a young man, scarcely more than one or two and twenty, seducing the *innocent, unsuspecting, inexperienced* mind of a lady, who had been twelve years married, and practiced in all the gaieties of the fashionable world, was almost too ludicrous to be seriously attended to.

The witnesses who appeared this day, were servants who had been employed about the lady's person, and as they would be the *strongest* proof of the facts stated, in case they swore *true*, so were they, from their situation and circumstances, most likely to become the objects of subornation,

the hopes of reward, of future patronage and protection, on the one hand, and the impossibility of detection on the other, were to persons in that rank of life, strong inducements indeed, to swear any thing that should be dictated to them in support of such a charge.

The learned solicitor in stating this case, had pictured the Lady in the most delicate traits—a person elegantly fashioned!—a mind highly educated! Manners highly accomplished!—delicacy most refined! Sentiments most pure and virtuous!—but how was this *blushing* portrait suited to the original? A Lady receiving male visitors in her dressing room; *dashing* from the *play* to the *masquerade* unattended by her husband, her friends, or even by her own servants; *swaggering* in a curriole through the streets of London with a gallant; and beating all the rounds of fashionable folly, dissipation and extravagance!

See what the evidence of my Lady's waiting woman says, on the occasion.—She talks of her Lady's gallanting visits—received in her dressing room—with the privity of her menial servant—She describes the Lady, like an another *Messalina*, in *loose attire*—prepared for the embraces of her paramour: She speaks of *sophas* daubed with *powder* and *shoe dirt*, the *touzling* of *couches*—the *discomfiture* of *dresses*—and the *rumpling* of her Ladyship's *plumage*. But in his mind a female witness, who could be *up to scene*

painting of this kind, was not exactly the kind of evidence that should meet the credit of a Jury—and if this woman should have sworn falsely, and Mr. Bradshaw was not an actor in any of those scenes, yet how is he to disprove of it by evidence?

If Lady Westmeath had so much command of her house—and such compleat dominion over her servants, while her Lord was in Ireland, and could make so shameful an use of her sofas, and her couches, in her own house,—what possible necessity could there be for his client to bring the lady elsewhere, to take her from home in his curricle, furnished with her night-cloaths, and keep her out all night, unless it was—what no body could suppose—with intent to raise evidence against himself, and to give palpable foundation for such an action as the present.—The Jury would therefore take into their consideration the whole of the evidence, and judge of its probability.—And upon this ground he would trouble them with another observation or two.

With respect to the evidence of what was alledged to have passed in England, there was no *positive* proof whatever to warrant a verdict which was to impeach the morality, and affect the property of his client—Every young man of fashionable gaiety would pique himself on gallant attentions to a fine woman if she would permit them. The evidence, such as it was, stated nothing more than mere presumptive circumstances;

stances ; but from *such* proofs—and *such* testimony, a conscientious Jury could not, he thought, feel their minds so far convinced beyond *doubt*, as to justify to their own consciences—a verdict against the defendant.—And with respect to the facts alledged to have happened in Ireland how did the probability stand?—upon the testimony of two coachmen!—But every man who considered their assertions for a moment, must think it as improbable as it would be extraordinary, *that* a Lady of her rank, who might have commanded an hundred places—and opportunities for such purposes—would have chosen to expose her amours to the privity and blackguarding scrutiny of her coachmen and footmen—and this too in *her own coach*, upon the *high road*—in *broad day* when *so many people* were *passing* and *repassing*.—He thought it a most *enormous* improbability—that any woman of her rank would be guilty of a fact so *beastly* and so *shameless* :—it was scarcely to be believed of *the most libidinous prostitute*—and therefore he trusted the Jury would be extremely cautious indeed, before they believed such assertions upon such kind of testimony, on a charge so materially affecting the family, the fame and the property of an individual—whose only reliance in this case, for justice, was the found discretion of an honest, conscientious and discerning Jury.

But if the Jury should differ with him as to the probability of the facts—the next thing to be considered

dered was the *quantum* of damages which ought to be demanded in such a case. He owned he did expect from the statement set out by the learned solicitor on commencement of this trial—that some evidence would be produced to prove the existence of an intimacy or familiar friendship between his client and the noble EARL who was plaintiff in this case—or that some extraordinary stratagems had been used by his client to debauch the morals and entrap the chastity of an innocent, virtuous, inexperienced young Lady—in order to justify his Lordship's claim for damages; but no such proof appeared:—no violence to friendship—to hospitality had been even attempted to be proved against his client. Much had been said of the wounds inflicted on the feelings and domestic happiness of the noble EARL.—Such indeed might be the plea of a man in the humble industrious walks of life—the inexperienced innocence of whose conjugal partner falling a prey to the stratagems of some artful and practised seducer, might indeed be said to deprive him of the affections of the partner of his humble industry, the fond attendant on his sick bed—the frugal companion of his thrifty but comfortable board, the friend and mother of his rising offspring—and the object of all his hope—all his affection and all his felicity.—Such a man indeed might justly complain of the privation of all his comforts—and the most incurable wounds inflicted upon his earthly happiness—and such a man would come to a Jury of

of his country with the justest claims for reparation in damages against the wealthy and artful seducer. But did the plaintiff in this case come forward with such claims?—In the breasts of the great folks of the present day—fashionable manners—there was but too much reason to believe—had repressed those feelings upon such topicks—though they might in the *coarse and vulgar* feelings of men in humble life, wear the greatest *accumen*. The loss of comfort—the privation of happiness was by no means so great in fashionable life; for there, the wife was not the constant partner of her husband's pleasures—or his discomfitures—nor the affectionate nurse attendant on his sick bed—nor his fond comforter in adversity—nor the protector of his children when he dies.—For in fashionable life—*dissipation*, not *comfort*, is the object of both—and the man of rank has his consolation in another way for those infidelities, which perhaps owe their origin to his own misconduct;—in a thousand ways which to the man in humble life are denied.—'Tis to the *pang of suffering* and not to the *plumage of title* that compensation is due.—The Jury therefore would not suffer themselves to be bantered into an idea that a great man was to have damages in a case of this sort proportionate to his titular rank, without adverting to the proportion which the injury bore to his feelings—and the cause, of that injury to his own conduct.

Could

Could it be supposed—that the tender feelings of conjugal affection and domestic comfort bear the same proportion—in humble and industrious life—and in those ranks of fashionable dissipation—where, while the husband lavishes his time and fortune—at the club house the banquet, or the gaming table—night after night,—the wife rolls her voiture at midnight from *theatres* to *drums*, from *drums* to *routs*, and from *routs* to *masquerades*—attended by her *cudgelled footmen* and *blazing flambeaux*, and dashing through all the rounds of fashionable *rakery*, from midnight till morning?—In such a round of modern high life, the idea of domestic comfort and conjugal felicity—is mere *arcadian fancy*. The learned Gentleman in painting the injuries sustained by his noble client on this ground—knew very well he was painting from the scenes of his *early reading*, and not from his own observations on modern manners; and if *such feelings* under *such circumstances* were only to be found in the romance of *Sir Philip Sydney's Arcadia*, the damages in such a case ought not to exceed the *price of the book*.

It was stated that Lord Westmeath's feelings were agonized and his pride irreparably hurt by losing the *consolations* and *comforts* of his *Lady's company and conversation*?—LORD WESTMEATH in Ireland—rolling away with one equipage for months together, in all the rounds of fashionable luxury and amusement, in the enjoyments of the bottle—and the pageantry of the

the camp. And *Lady Westmeath* in London swaggering away in *another* equipage in all the rounds of fashionable dissipation and amusement—for months too—And then poor Lord Westmeath complains of the *loss of comforts*! in the *privation* of his Lady's company and conversation, not more than 300 miles from him, by his own choice, for eight months together!—The idea, was in fact, too ludicrous for the serious reflection of a rational and discerning jury.

One point however was most important for their consideration.—It was whether the plaintiff in this case had taken that care of the *morals* and the *conduct* of his wife which his *authority*—and his *duty*, as an *husband*, enabled and *called on him* to do?—How did the fact appear in evidence? Lord Westmeath comes over to Ireland—and leaving his wife in London exposed to all those temptations which a round of gay life and fashionable levity might be supposed to present—with a fortune, an equipage, and an house at her command, complete mistress of her own conduct and propensities!

How stood the charge with respect to his client in this case? What had appeared from the evidence of the Clergyman?—Lady Westmeath—not as the learned Solicitor had painted her Ladyship, an innocent young female—inexperienced, and such as might be supposed unwary and unripe in the ways of the world;—but an experienced matron—twelve years married

matried—the mother of several children—and well practised in all the mysteries, modes, and dissipations of the gay world.—What was Mr. Bradshaw? not an experienced rake, versed in the arts of seduction by the vicious practice of years, but the younger brother of a respectable family, not many years emerged from the controul of his *tutor*—and of an age young enough almost for the Lady to have been his mother!

Was this the young *Lady of innocence and inexperience, polished education, exalted sentiments, and refined feelings*, whom the learned Council had painted in such glowing and *angelic tints*—with all the *bloom* of the *plumb* unbroken upon her cheek—and all the *blossoms* of *youthful innocence* flowering and flourishing arround her?—Was the Lady a *bird* of that age likely to be *caught* with the sort of *chaff* which his youthful client might be supposed to cast before her, if her own inclinations had not led her to the *decoy* without the necessity of stratagem?

Suppose that on the part of his client, he were to admit the whole of the facts stated in evidence—yet, would not the jury, consider the *rank* and the *years* of the Lady—the utter improbability, that any advances of a *criminal* kind would have proceeded from a young Gentleman, who, from his years, must be supposed inexperienced in the dissipations of fashionable life, as his client was; and would not the jury consider

consider the uncontrouled freedom in which Lord Westmeath permitted his Lady to range through all the rounds of fashionable dissipation—exposed to all those temptations that beset a woman of levity—absent from her husband—unchecked by the vigilance of her friends, and prone to every indulgence in pleasure and luxury which her rank and fortune could supply.—And would not a jury thus considering—even if they believed the facts, make a wide difference indeed between the imputed guilt of his client, and that of a common seducer, who had triumphed over the chastity of an innocent and inexperienced female:—They must surely consider his *client* rather as the *party seduced*—and in estimating the damages, if they should think any were justly due, they would apportion them to the feelings, and not to the rank of the plaintiff—they would consider how lightly *baggatelles* and *faux paux* of this kind were thought of in the circles of high life.—They would consider how far his Lordship's own conduct and neglect were instrumental to the injury of which he complained—They would estimate the uncontrouled influence of modern fashionable manners upon the minds of high rank—and find such a verdict as, upon due consideration, became the good sense and conscientious justice of moral and discerning men.

G

Counsellor

Counsellor Saurin on behalf of the Plaintiff said, that considering the strength of the Evidence adduced on behalf of his Client, and the irrefragable proofs upon which his case had been substantiated, he felt no necessity to say any thing to the Jury, in reply to what had fallen from the learned Council on the other side ; notwithstanding the eloquence and ingenuity with which he had argued, on behalf of his Client ; he should therefore rest with the discretion of the Court, for any observations upon the Evidence, in this case, which might be deemed necessary for the direction of the Jury.

LORD CHIEF BARON YELVERTON then addressing the Jury, observed that the present Case was of such a nature as required very little exertion indeed, on the part of the Plaintiff's Council, to aggravate the injury proved in Evidence : a Case, so atrocious in all its circumstances, so fraught with the most shameful and abandoned depravity ; and so violatory to every principle of decorum, of virtue, of morality and of Female modesty ; as he thanked GOD, was not to be matched by any other example in this country, and but rarely, if ever, in any other.

The Jury had heard it insinuated by Council for the Defendant, that, in injuries of this aggravated

aggravated nature, the compensation due to the feelings of men of rank was trivial, because they had other consolations in those enjoyments which from their wealth and situation, they were enabled to obtain.—What ! was it to be argued, that men of high rank, of high honour, of splendid situation, had no feelings to be wounded ! had no honour to be injured ! had no domestic comforts to be sacrificed ? good Heaven ! If the ingenuity of an advocate, bound, certainly to do the best he could for his client, was to suggest such a doctrine, he trusted that a Jury was not to be found sufficiently weak, sufficiently ignorant, sufficiently inconsiderate or sufficiently depraved to adopt it : such a doctrine would indeed have a tendency most dangerous to the moral and the happiness of society ; it would go to exclude persons of high rank from the rights as well as from the virtues of society ; it would go to debar the injured party from all reparation for the grossest wrongs which a man of honour could sustain, and secure to the culprit impunity ; it would encourage vice and ill example in the higher ranks of society, whose *mores* and more especially whose *vices* were but too apt to descend to their inferiors, and its obvious tendency was ultimately the abolition of all female virtue.

On

On the contrary his lordship held, that the more exalted the culprit, because the less excusable the crime, the higher should be the punishment ; and the higher the rank and honour of the party injured, the more ample should be the reparation.

In the present case, his lordship said that in such observations as he should think it necessary to make to the jury ; he should follow the order of the evidence as it appeared.

From the testimony of Mr. Lambert and several of the witnesses who followed him, it was apparent that the conduct of Lord Westmeath to his unfortunate Lady, was that of a most affectionate, kind, tender and indulgent husband ; he married her for affection, and he maintained that affection inviolable, for a series of years, until her own depravity extinguished his regards ; every indulgence which his fondness could suggest, or his fortune confer, was bestowed on her ; every happiness and comfort which the blandishments of high rank, honour, dignity or affluence could furnish was within her reach : but how did this deluded lady requite the affections of one of the best of husbands ? how did she mark her regards for the honour of her family, of her children, of her rank or of her sex ? By the most vile, the most abandoned and most lascivious

lascivious conduct ; by the shameless prostitution of her person, not only in her own house, and under the roof of her venerable mother, but upon the high road, in the open day, in the view of her menial servants ; by the most gross and libidinous departure from every principle of modesty, honourable to her sex ; by dishonouring the bed of that Nobleman who had married her as the object of his kindest affections, and raised her to a participation of his high rank, dignity and respect, which she had not the prudence or the virtue to preserve. The exposure of her shameless amours to the privity of her own servants, was still an aggravation of her guilt ; and was it to be argued, that a Nobleman of high character and respectability, a husband, possessing the tenderest attachments of conjugal affection ; the father of a rising offspring, and the Head of an illustrious house, deserved no consideration for his injuries, because of his rank ! no reparation to the wounded honour of his family !—no compensation for the gross and irremediable violence done to his feelings, by the total destruction of all his domestic comforts ? was the defendant in this case to plead in extenuation of his own most vicious and dishonourable conduct, the levity, or the lasciviousness of an abandoned lady, or the opportunities which the honourable and unsuspecting confidence.

confidence of an intimate friend and affectionate husband, might leave open for the prosecution of a vicious and criminal pursuit?—he trusted that a jury of men, who were themselves fathers and husbands, would evince an higher value for female virtue, and conjugal fidelity than to subscribe to such a doctrine.

The proofs in this case were manifest—were strong—were circumstantially corroborative of each other—and stood wholly uncontradicted by my evidence to the contrary.—The jury could therefore, in his mind, have no resonable doubt of the fact.—It would be then for them to consider under all the circumstances of the case,—the culpability of the defendant—and the nature and magnitude of the injury sustained by the plaintiff—an injury which no pecuniary consideration however great could compensate,—and he doubted not that the jury would find themselves justifized in giving such damages as while their verdict marked the regards of moral and conscientious men—for the sacred rights of the conjugal bed—should at the same time hold out an example to check and deter the progress of a crime in this country which of late years had made such alarming strides in *another kingdom* whose *fashions* and whose *vices*—we are too apt to borrow, and which, there was but too much reason to fear

were

were rapidly gaining ground in the fashionable circles of this country.—A country which, until of very late years, indeed,—was famed through the world for the modesty—the delicacy—and the inviolate chastity of its women.

Our Reporter acknowledges with regret his inability to render adequate Justice to the very elaborate and impressive charge of the learned Judge on this occasion—a charge which would have done equal honour to the pulpit—as to the bench—but his Lordship strongly affected by the peculiarity of the case—spoken in so low and solemn a tone—and at so late an hour in the darkness of the evening—that in the buzz and pressure of a crowded court, it was impossible to note with any degree of accuracy, the strict tenour of his charge. Our Reporter has therefore set down the purport of his Lordship's observations in the best manner he could catch them, on memory; trusting that he has not mistaken or misapprehended—any thing material in the general object and meaning of his Lordship's address.

The Jury, after a short conference, returned their verdict for the plaintiff, damages £10,000.

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